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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL
FORWARDING LLC and ALASKA
REEFER MANAGEMENT LLC,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,
U.S. DEPARTMENT OF HOMELAND
SECURITY, U.S. CUSTOMS AND
BORDER PROTECTION, and TROY A.
MILLER, U.S. Customs and Border
Protection Acting Commissioner, in his
official capacity,

Defendants.

Case No.: 3:21-cv-00198-SLG

EXHIBIT A
Page 1 of 3

DECLARATION OF M. CHRISTY MCMANUS

Pursuant to 28 U.S.C. § 1746, I, M. Christy McManus, declare as follows:

1. I am the General Manager of Storage and Service Solutions in Bayside, New Brunswick, Canada. I have been the General Manager of Storage and Service Solutions since 2015.

2. From 1989 until early 2015, I worked at Woodstock Cold Storage [1990] Ltd. ("WCS"), now operating as Kloosterboer Bayside Cold Storage ("KBB"). I became Operations Manager of KBB in 2006, and General Manager of KBB in or about 2010. I served as General Manager of KBB from in or about 2010 until my departure in early 2015. Peter and Beverly Frye, the owners of WCS before its sale to KBB, were my parents.

3. I have personal knowledge of the facts set forth in this declaration.

4. During my time as General Manager of KBB, U.S. Customs and Border Protection ("CBP") officers were on site at KBB and on site at the Bayside Canadian Railway ("BCR"), which is located adjacent to KBB, more than once.

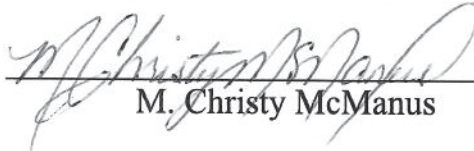
5. CBP officers were on site before, during, and after construction of the BCR in Bayside. CBP did some observation one morning after the BCR had been operating for a couple of months. The ramp that would have allowed the trucks to exit the flat rail cars was not installed once the BCR learned from CBP that as soon as the rail cars touched the stops on the south end of the rail trackage, their destination had been reached. Thus, it was deemed irrelevant where the trucks were discharged. The driver

had to exit the truck during the rail movement to ensure that it was just the truck and trailer being transported in accordance with standard rail safety procedures.

6. At no time did the CBP ever express any issues or concerns with the use, length, or directionality of the BCR. It is my understanding that the CBP was aware that the BCR was being used for purposes of compliance with the Jones Act.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Bayside, New Brunswick, Canada
September 17, 2021


M. Christy McManus